

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3129
	)	
v.	)	
	)	
MICHAEL LEE BUTLER,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
	)	

As I did less than one year ago (filing no. 79), and because of the defendant's extensive criminal history and because I considered the FSA when I reduced the defendant's sentence under Rule 35(b), I decline to exercise my discretion to lower the defendant's sentence even further. Moreover, to protect the public, I believe the defendant should participate in the Residential Drug and Alcohol Program before he is released from prison and a reduced sentence would diminish the possibility of that occurring. Therefore,

1. USPO Annalee Thomas shall file the new “Worksheet” in the court file.

2. I decline to exercise my discretion to reduce the defendant's sentence.
3. The Clerk shall provide a copy of this Memorandum and Order to the defendant at his last known address, to USPO Thomas, to AUSA Susan Lehr (as Ms. Lipovsky is no longer handling federal criminal cases), to Dana M. London, the defendant's former appointed counsel and to David Stickman, FPD.

DATED this 15<sup>th</sup> day of August, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge